

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**AUGUST 1, 2013; 7:04 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,  
BARRY FLITTON AND SCOTT FREITAG**

**ABSENT:**

**MICHAEL BOUWHUIS AND JORY FRANCIS**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON AND THIEDA WELLMAN**

**The meeting was held in the Council Chambers of the Layton City Center.**

Mayor Curtis opened the meeting and excused Councilmembers Bouwhuis and Francis. Boy Scout Thomas Larsen with Troop 443 led the Pledge of Allegiance. Councilmember Flitton gave the invocation. Scouts from Troops 443 and 446 were welcomed.

**MINUTES:**

**MOTION:** Councilmember Freitag moved and Councilmember Brown seconded to approve the minutes of:

**Layton City Council Work Meeting – June 20, 2013; and  
Layton City Council Meeting – June 20, 2013**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown said on August 14th the Family Recreation Program would be showing the Lorax movie in the amphitheater. She said this was a free event, and there would be free popcorn, treats and drinks available.

Councilmember Flitton said at a meeting today he learned that \$960,000,000 came into the State in 2013 from tourism; \$390,000,000 of that went to local governments. He said this was an 8% increase over the previous year.

**CONSENT AGENDA:**

Mayor Curtis indicated that “Item C” would be pulled from the consent agenda and voted on separately.

**SEPTEMBER 2013 ATTENDANCE AWARENESS MONTH – RESOLUTION 13-40**

Mayor Curtis read Resolution 13-40 proclaiming September 2013 as attendance awareness month.

**WATER EXCHANGE AGREEMENT BETWEEN LAYTON CITY AND LEGACY  
NEIGHBORHOODS, LLC – RESOLUTION 13-42**

Gary Crane, City Attorney, said Resolution 13-42 authorized an exchange of water shares between Layton City and Legacy Neighborhoods, LLC, which was the owner of the Hill property in Kaysville. He said the Utah Constitution allowed the City to exchange water shares to put the City in a more advantageous position, and to use water shares that perhaps another jurisdiction might not be able to use. Gary said in this case, the Hill property would receive secondary water service from the Davis Weber Canal Company. He said Davis Weber Canal Company also served some areas in the western portion of Layton.

Gary said Layton was expanding its use of Kays Creek Irrigation Company water. He said Layton City would exchange 150 acre feet of Davis Weber Canal Company water with Legacy Neighborhoods, LLC for 150 acre feet of Kays Creek Irrigation water, which they had. Gary said Resolution 13-42 authorized the exchange, and Staff recommended approval.

**AMENDED FINAL PLAT APPROVAL – PINEHURST PLACE SUBDIVISION, PHASES 2A AND 2B – 425 NORTH 1625 WEST**

Bill Wright, Community and Economic Development Director, said this was an amended final plat approval of the Pinehurst Place Subdivision, Phases 2A and 2B, which was located at approximately 425 North 1625 West. He identified the property on an aerial map. Bill said a final plat was approved on December 7, 2006; any changes to that approved plat had to be approved by the Council.

Bill said the applicant was proposing to make some fairly minor changes to what was originally approved. He said the changes involved the shortening of some cul-de-sacs so that the lot sizes and buildable area of the lots on the end of the cul-de-sacs were more in line with today's market demand. Bill said it would also change the layout of a very large lot, with some additional property, making it two lots.

Bill said Phase 2B was being amended to include an additional lot. He said because of the proximity of 425 North to Hill Field Road, code allowed for a slight increase in density. Bill said the changes made the subdivision more compliant with City codes and made it more marketable in the community. He said these new phases would be required to provide dry lines for irrigation water, and they would be required to provide for the new lighting standard that was not in place in 2006 when the original plat was approved. Bill said Phases 2A and 2B would contain 41 lots in the R-S zone. He said the Planning Commission recommended approval and Staff supported that recommendation.

**MOTION:** Councilmember Freitag moved to approve the Consent Agenda as presented, excluding Item C, the Land Sale Agreement between Layton City and Katie's Place, LLC. Councilmember Brown seconded the motion, which passed unanimously.

**LAND SALE AGREEMENT BETWEEN LAYTON CITY AND KATIE'S PLACE, LLC – APPROXIMATELY 1690 WEST 2000 NORTH – RESOLUTION 13-36**

Bill Wright said Resolution 13-36 involved a land sale agreement between Layton City and Katie's Place, LLC, for property owned by the City that was located at approximately 1690 West 2000 North. He identified the property on an aerial map. Bill said years ago the property was a part of 1690 West Street as it intersected with Antelope Drive. He said UDOT and the City made a realignment of the roads in that area and made a new intersection at Antelope Drive and Robbins Drive. Bill said at that point 1690 West was abandoned. He said the parcel contained approximately 6,320 square feet.

Bill said earlier in the year Mr. Cory Bowden, representing Katie's Place, LLC, approached the City and inquired about purchasing the property as he was also interested in purchasing the property to the east, which contained a single family home and was zoned P-B, and the property to the west, which was owned by UDOT, and combining the property to build a small medical office. He said there were some utilities that ran through the City's parcel; one was a sewer line and one was a waterline that connected to a larger waterline system in Antelope Drive. Bill said the sewer line would be relocated when the existing building was demolished, but the waterline would likely be relocated on the property further to the east.

Bill said the property was considered to not meet the definition of significant in the law, which allowed the City to follow this process for its disposition. He said the City had an obligation to receive good value for the property and to make sure the planned use of the property was consistent with the General Plan. Bill said the property was zoned P-B and the use being proposed was consistent with the General Plan, and in the best interests of the City. He said by itself the City's property would not meet the minimum standard lot size in the P-B zone, which was 10,000 square feet. Bill said the sale price was \$10,000, and Staff recommended

approval.

Councilmember Brown asked if this was noticed on the property.

Bill said it was noticed on the agenda but not on the property. He said it was not required because it was not a significant parcel.

Councilmember Brown said she would assume traffic would not impact the neighborhood because they would access off of Antelope Drive.

Bill said there would not be any direct access off of Antelope Drive; access would be from Robbins Drive. He said there would be little impact to the neighborhood because it was adjacent to Antelope Drive.

Councilmember Flitton asked if the \$10,000 from the sale of the property would go into the General Fund.

Bill said yes.

**MOTION:** Councilmember Brown moved to approve Item C of the Consent Agenda noting that this sale was not considered significant, which allowed the Council to handle this as a consent item and not a public hearing. Councilmember Flitton seconded the motion, which passed unanimously.

#### **PUBLIC HEARINGS:**

#### **REZONE REQUEST – DARREL FARR – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – 850 NORTH 3200 WEST – ORDINANCE 13-23**

Bill Wright said Ordinance 13-26 was a rezone request by Darrel Farr to change the zoning from A to R-S for property located at 850 North 3200 West. He said the property was just south of the P-B zoned properties on the corner of Gordon Avenue and 3200 West. Bill said the rezone to R-S was to accommodate a subdivision with 5 single family detached lots. Bill said all of the lots met the minimum standard of 15,000 square feet in the R-S zone. He said the General Plan recommendation for this area was 0 to 3 units per acre; this proposal was at 2.28 units per acre.

Bill said the homes would front onto 3200 West, which was a residential collector road. He said the Planning Commission recommended approval and Staff supported that recommendation. Bill said there was some discussion at the Planning Commission meeting about the nature of backing onto 3200 West, and asked that there be some consideration with the developer for trying to provide either circular driveways or some hammerhead approaches so that the orientation coming forward onto the road could be provided. He said that could be handled during the subdivision process.

**Mayor Curtis opened the meeting for public input.** None was given

**MOTION:** Councilmember Freitag moved to close the public hearing and approve the rezone request, Ordinance 13-23.

Councilmember Flitton asked if the Council should address the consideration for circular driveways or hammerhead turns as part of the motion.

Councilmember Freitag said no, based on discussion in the earlier work meeting. He said it would be dealt with in the subdivision approval portion of the development. Councilmember Freitag said he felt that that was the appropriate time to deal with it. He said his concern would be in putting something in a rezone request that had not been fully vetted, or was not required anywhere else in the City. Councilmember Freitag said it could impact future rezone requests.

Councilmember Brown said in the earlier meeting there was some discussion about making sure perspective

owners were made aware that 3200 West was a residential collector road. She asked if Councilmember Freitag would be willing to amend his motion to include that.

Councilmember Freitag said he would withdraw his motion and allow Councilmember Brown to restate the motion.

Councilmember Flitton expressed concerns with the safety of children on the sidewalks.

Councilmember Freitag indicated that this would be no different than any other residence in the City that backed onto the street. He said he understood Councilmember Flitton's concerns, but he was concerned with setting precedence for requiring certain driveway types that hadn't been fully discussed or vetted.

**RESTATED MOTION:** Councilmember Brown moved to approved Ordinance 13-23, which was a rezone from A to R-S on 850 North 3200 West, and note that attached to the lots it would indicate that this was on a collector street. Councilmember Freitag seconded the motion, which passed unanimously.

Councilmember Freitag suggested discussing this issue at a future Strategic Planning meeting.

**REZONE REQUEST – RIGBY – A (AGRICULTURE) TO C-H (HIGHWAY REGIONAL COMMERCIAL) – 770 SOUTH MAIN STREET – ORDINANCE 13-22**

Bill Wright said Ordinance 13-22 was a rezone request for property owned by the Rigby family located at 770 South Main Street. He said the request was to rezone the property from A to C-H. Bill identified the property on a map. He said the property was annexed into the City in 1995. When that occurred, the property owner preferred to leave their property zoned agricultural even though most of the property in the area was zoned C-H.

Bill said there was a small home on the property that fronted onto Main Street; the back portion of the property was vacant with some agricultural uses. He said the rezone met the General Plan for the area. Bill said the rezone would not force any change to the current use of the property, but would provide for the property to be marketed as commercial property. He said the Planning Commission recommended approval and Staff supported that recommendation.

**Mayor Curtis opened the meeting for public input.** None was given.

**MOTION:** Councilmember Flitton moved to close the public hearing and approve the rezone request, Ordinance 13-22. Councilmember Brown seconded the motion, which passed unanimously.

**ORDINANCE AMENDMENT – TITLE 19, CHAPTER 19.12, SECTION 19.12.050 – PARKING SPACES FOR COMMERCIAL, INDUSTRIAL & INSTITUTIONAL USES – ORDINANCE 13-06**

Bill Wright said Ordinance 13-06 was a text amendment to the City's zoning code involving parking requirements specifically for large home improvement retail uses. He said in December the City was approached by the owners of Lowe's as they were exploring an opportunity to use some of the Lowe's property for a new retail pad. Bill said in doing so they realized that if they were to remove some parking from the site they had to make sure there was adequate parking provided for the operation of Lowe's. He said their proposal to the City was to reduce the current parking requirement for these types of retail uses and to lower it to 2 parking stalls per 1,000 square feet of retail space, and to change parking requirements for the outdoor garden area.

Bill said the request was significantly studied by Staff, and it was reviewed by the Planning Commission in two public hearings. He said at the first public hearing, the Planning Commission required an additional study by their consultant because the first study was done in a non-peak part of the season; the Planning Commission was concerned that the real demand was not captured in the first study. Bill said the additional counts were done in May during their peak season. He said those counts validated the earlier counts, showing

that there was excessive parking provided in the City's current requirement. He said after much analysis the Planning Commission recommended 2 parking stalls per 1,000 square feet of gross retail space, which excluded storage space, bathrooms and office space. Bill said that would allow for 87 surplus parking stalls on the site. He said the previous calculation was equal to 3 stalls per 1,000 square feet of retail space. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Bill indicated that Mr. Ryan Hales with Hales Engineering, the firm that completed the study, was attending the meeting and had a presentation available.

Councilmember Brown said in the earlier work meeting they discussed that parking was not allowed on Antelope Drive, which was a concern expressed to her by a citizen. She said parking would be allowed on Woodland Park Drive, but if that happened Lowe's would be encouraged to direct their employees to park in the back of the building allowing for more customer parking up front.

Bill said that was correct.

Councilmember Flitton said it might be well for the public to see the presentation from Hales Engineering.

Ryan Hales, Hales Engineering, 2975 West Mayflower Way, Lehi, Utah, reviewed information included in the Council Packet relative to the parking study they completed for the Lowe's property.

**Mayor Curtis opened the meeting for public input.** None was given.

**MOTION:** Councilmember Brown moved to close the public hearing and approve the amendment to Title 19, Ordinance 13-06. Councilmember Freitag seconded the motion, which passed unanimously.

**ORDINANCE AMENDMENTS – AMENDING SECTION 3 OF THE LAYTON CITY DEVELOPMENT GUIDELINES AND DESIGN STANDARDS ENTITLED STREET IMPROVEMENTS; AMENDING TITLE 16, SECTION 16.04.010-D103.4 OF THE LAYTON MUNICIPAL CODE ENTITLED DEAD ENDS; AMENDING TITLE 18, SECTION 18.24.070 ENTITLED TEMPORARY TURNAROUNDS; AND AMENDING TITLE 19, SECTION 19.07.120 ENTITLED DEVELOPMENT STANDARDS – ORDINANCE 13-17**

Bill Wright said Ordinance 13-17 contained ordinance text amendments to the City code relative to temporary turnarounds in subdivisions. He said this amendment was initiated by Staff to address some issues with the way turnarounds had been provided for in the past. Bill said Staff had some concerns about turnarounds that were built in a more permanent fashion that were to be taken out and reconnected to future streets. He said those stub streets had become an issue in terms of how the escrow accounts were established when redoing those turnarounds.

Bill said the proposal included three alternatives in dealing with temporary turnarounds. He reviewed the three alternatives including a standard cul-de-sac with a maximum length of 500 feet. Bill said there was a second alternative where a stub street would stop at a future phase of development, or at another property owner's vacant property, which allowed for a temporary turnaround with road base material so that it was a drivable surface for the exiting of emergency vehicles.

Bill said this alternative had some sub-alternatives. Currently the fire code indicated that if a stub street extended more than 150 feet, there had to be some type of turnaround. He said the adjustment would be that the stub street would be 150 feet or two lots maximum. Bill said the other alternative would be that homes that extended beyond the 150 feet could have a fire suppression system installed within the home.

Bill said the third alternative introduced was an idea of a bulb in the road that would be permanent in nature, and then continued to stub to an adjoining property. He said in this case the curb, gutter and sidewalk would continue around the bulb and homes built on these lots would have to maintain setbacks from the bulb.

Bill said the Planning Commission recommended approval and Staff supported that recommendation. He said there was some public comment at the Planning Commission meeting from residents that resided on existing temporary turnarounds who wanted to make sure this change would not relieve the requirement to change out their temporary hard surface cul-de-sac in the future. Bill said the City was dealing with those situations on a case by case basis, and would work with residents to not place the burden of removal on the current property owners, but to find an equitable way to make the change occur.

Councilmember Brown said on the second option where it indicated a drivable surface; if that sat for quite a few years would it have to be maintained so that weeds were not growing through the temporary surface.

Bill said the expectation was that it would be a maintainable, drivable surface. He said there could be an escrow required for the cost of maintenance, but ultimately it would fall on the City to maintain the surface where it would be a public right of way.

**Mayor Curtis opened the meeting for public input.** None was given.

Councilmember Freitag said there was a lengthy discussion about this in the earlier work meeting.

**MOTION:** Councilmember Freitag moved to table this item to a date certain of August 15, 2013, to allow time for the City Attorney to research questions relating to the requirement of a turnaround for fire apparatus and the proposed addition of fire suppression systems in residential homes. Councilmember Flitton seconded the motion, which passed unanimously.

#### **CITIZEN COMMENTS:**

Lara Mountford, 3779 South 550 West, Syracuse, expressed concerns with a recent decision by the Davis School District to stop bus service as of the 2014/2015 school year for their children attending Sand Spring Elementary. She said there was no sidewalk along the south side of Gentile Street from the Syracuse border to 3200 West, where there was a crosswalk available. Ms. Mountford said children would have to walk in the road because of obstructions along that area. She asked the Council to consider funding sidewalk along this area, which would entail 1,800 feet of sidewalk.

Mayor Cutis thanked Ms. Mountford for her comments. He said Staff would address the issue.

Jamie Prather Newton, 949 West Gordon Avenue, suggested that the City add a noise ordinance amendment to the City code relative to indoor gun ranges. She said the Red Dot range was adjacent to their home. Ms. Prather Newton said the City had been working with Red Dot to get some sound attenuation installed. She said there needed to be a noise ordinance update to address the noise issues from these types of businesses.

**The meeting adjourned at 8:16 p.m.**

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Thieda Wellman, City Recorder